



~~March 20, 2007 CPC~~

~~April 17, 2007 CPC~~

~~June 19, 2007 CPC~~

~~July 17, 2007 CPC~~

August 22, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0262
(AMENDED)

Skinquarter LLC

Matoaca Magisterial District
Off the south line of Hull Street Road

REQUEST: (AMENDED) Rezoning from Agricultural (A) with Conditional Use to Agricultural (A) on 55.0 acres with Conditional Use to permit a construction/demolition/debris landfill and a material recycling operation on this property and an adjacent 56.4 acres currently zoned Agricultural (A).

PROPOSED LAND USE:

Current zoning permits a construction/demolition/debris landfill and a materials recycling operation to include the grinding, mulching and processing of vegetative waste; soil processing; composting; recycling of construction and demolition materials; solid waste transfer; and wholesale of such materials. This proposal would allow these uses to continue and allow the provision of a 100-foot buffer around the uses.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5.

AYES: MESSRS. GECKER, GULLEY, BASS AND WILSON.

ABSENT: MR. LITTON.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. Although the Southern and Western Area Plan suggests use of the property should be limited to agricultural/forestall uses, until such time as public infrastructure is available to support development, the continuance of uses requiring minimal infrastructure that would not obstruct future redevelopment may be appropriate.
- B. Proffered conditions will minimize the impact of the uses on existing and future area development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. The plan prepared by Joyce Engineering, Inc., dated March 15, 2007, attached as Exhibit A, shall be considered the Master Plan.
(P)
- (STAFF/CPC) 2. Uses permitted in Tract A as identified on the Master Plan shall be limited to the following:
 - a. Uses permitted by right or with restrictions in an Agricultural (A) District.
 - b. Grinding, mulching and processing of vegetative waste to include grass, leaves, waste and land clearing debris such as stumps and brush.
 - c. Soil processing.
 - d. Composting.
 - e. Material recycling facility, to include the grinding, mulching, recycling, reprocessing, and management of such materials as wood, pallets, sheet rock, waste paper, inert materials such as bricks, concrete and asphalt as well as construction and demolition material. Provided, however, the term construction and demolition materials do not include paints, coatings, solvents, asbestos, liquid compressed gasses and garbage.
 - f. Solid waste transfer station to enable trucks to consolidate the loads from smaller quantity generators to larger trailers.

- g. Wholesales of ground, mulched, processed and/or recycled materials.
 - h. Landfills designed for receiving construction, demolition and debris waste.
 - i. Any uses permitted in Tract B as identified on the Master Plan. (P)
- (STAFF/CPC) 3. Uses permitted in Tract B as identified on the Master Plan shall be limited to the following:
- a. Uses permitted by right or with restrictions in an Agricultural (A) District.
 - b. Access, roads, utilities, buffers, setbacks, BMPs or other environmental features or devices. (P)
- (STAFF/CPC) 4. Retail sales shall be prohibited. (P)
- (STAFF/CPC) 5. A 100 foot buffer shall be provided around the perimeter of the operation. Within the buffer, existing vegetation and/or topography shall be supplemented as necessary to provide year-round screening. Other than utilities and access which run generally perpendicular through the buffer, and a fence, there shall be no other facilities located within this buffer. Landscaping, including existing vegetation, within the buffer shall have an initial height, density and be of a species which will provide year-round screening when installed. The limits of buffers shall be defined to preclude dumping and grading within the buffer. Also, there shall be no filling or grading permitted in the buffer except that necessary to accommodate utilities, access, BMPs, and/or landscaping. A detailed plan depicting these requirements shall be submitted to the Planning Department in conjunction with site plan review. (P)
- (STAFF/CPC) 6. The area of permitted activity and buffer area shall be clearly defined by a permanent means. The method of delineation shall be approved by the Planning Department. (P)
- (STAFF/CPC) 7. The operations boundary shall be secured by permanent means (i.e., fencing, etc.) to preclude vehicles from entering the property at any point other than the single entrance road. The exact means of securing the boundary shall be approved by the Planning Department at the time of site plan approval. (P)

- (STAFF/CPC) 8. Direct access from the property to Route 360 shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
- (STAFF/CPC) 9. The entrance road shall be hard surfaced for a length of 250 feet from Route 360. Further, the entrance road shall be designed to preclude the view of activity from Hull Street Road and secured to prohibit indiscriminate dumping of materials. The landfill owner/operator shall be responsible for the removal of any materials dumped along either the access road or along Hull Street Road adjacent to the subject property. Further, the owner/operator shall be responsible for removing dirt and debris from Hull Street Road resulting from the operation. A procedure for controlling dust shall be submitted to the Environmental Engineering Department for approval and shall be implemented in conjunction with landfilling activity. Measures to correct dust control problems shall be taken within twenty-four (24) hours of notification by the County. (P)
- (STAFF/CPC) 10. Prior to the issuance of a building permit, 100 feet of right-of-way, measured from the centerline of Hull Street Road along the entire property frontage, shall be dedicated to and for the County of Chesterfield, free and unrestricted. (T)
- (STAFF/CPC) 11. Prior to any site plan approval, a ninety (90) foot wide right-of-way for an east/west major arterial shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be determined by the Transportation Department, but shall generally be located at or near the southern boundary of the Property, but if acceptable to the Transportation Department, the right-of-way may be located off-site but generally south of the Property. (T)
- (STAFF/CPC) 12. Prior to any filling, grinding, mulching or processing of vegetative waste, soil processing, composting, material recycling, operation of a transfer station, or sales of ground, mulched, processed and/or recycled materials, additional pavement shall be constructed along Route 360 to provide left and right turn lanes at the site access. (T)
- (STAFF/CPC) 13. Stormwater runoff from decomposable materials generated by yard and lawn care or land clearing activities, including, but not limited to, leaves, grass trimmings, woody wastes such as shrub and tree prunings, bark, limbs, roots and stumps, shall not be permitted to drain or discharge directly into the storm sewer system and/or directly to surface water. Areas used for the storage and recycling of materials shall be graded to minimize and to collect runoff.

Collected runoff shall be conveyed to a wastewater treatment disposal or holding facility. Such disposal or holding facility includes, without limitation, recirculation. A stormwater pollution prevention plan that is applicable to the project site shall be developed by the applicant and submitted to the Office of Water Quality for review and approval in conjunction with site plan review. (EE)

- (STAFF/CPC) 14. There shall be a minimum seventy-five (75) foot cleared area between the buffer identified in proffer 5 and the perimeter of the mulch, compost or other piles of recyclable material. (P)
- (STAFF/CPC) 15. The site plan shall incorporate the following improvements for County review and approval:
- a. A pond with a minimum size of .5 acres and a minimum average water depth of five (5) feet, excluding any required safety benches, and a dry fire hydrant to access the water in case of fire.
 - b. A driveway sufficient to provide emergency vehicle access to the pond and dry fire hydrant.
 - c. In conjunction with site plan review, a phasing plan for the construction of the improvements noted in proffers 15a and 15b shall be submitted for the Fire Department's review and approval. (F)
- (STAFF/CPC) 12. Prior to any site plan approval, an access plan for the East/West Arterial shall be submitted to and approved by the Transportation Department. Access to the property from the East/West Arterial shall conform to the approved access plan. (T)

GENERAL INFORMATION

Location:

South line of Hull Street Road, west of Skinquarter Road. Tax IDs 689-666-8726; 690-664-Part of 5058; and 690-666-8719.

Existing Zoning:

A and A with Conditional Use

Size:

111.4 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North – A; Single-family residential, commercial or vacant

South, East and West - A; Vacant

UTILITIES

Public Water and Wastewater Systems:

The proposed Conditional Use will have no impact on the public water and wastewater systems.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the south via tributaries to the Appomattox River. The property is wooded, however, the intent of this zoning is to provide a buffer around the existing operation and therefore the no timbering condition normally requested will not be required. There are no existing or anticipated on- or off-site drainage or erosion problems.

Water Quality:

The property drains towards a tributary to the main branch of Sappony Creek. Due to the nature of the proposed use of the subject parcels, the potential exists for pollutants to enter the storm sewer system or directly to the streams located on the site during rain events. In light of this fact, the applicant has proffered to develop and implement a Storm Water Pollution Prevention Plan and to collect stormwater runoff and convey it to a treatment disposal or holding facility. (Proffered Condition 13)

In accordance with the recently amended Chesapeake Bay Preservation Ordinance, a field evaluation must be conducted to determine whether any water bodies with perennial flow exist on the subject parcel. Staff will conduct the determination for the applicant or confirm a determination conducted by a qualified expert with experience in stream assessments.

Solid Waste:

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Clover Hill Fire Station, Company 7 and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

There is no public water supply available to the subject property. Mulch piles build up heat internally and may spontaneously ignite. In past years, the fire department has responded to fires at the mulching operation on Warboro Road. To address this concern, the applicant has proffered a seventy-five (75) foot clear area around the perimeter of the mulch and compost piles to help reduce the spread of fire to adjacent properties (Proffered Condition 14). In addition, the applicant has proffered a minimum one-half (0.5) acre pond with a dry hydrant to provide the site with water for fire firefighting purposes (Proffered Condition 15). With these proffered conditions, the Fire Department is supportive of this request.

Transportation:

The property is located on the south side of Hull Street Road (Route 360) just west of Deer Range Road. On February 23, 2005 the Board of Supervisors approved a Conditional Use (Case 04SN0312) to permit a construction/demolition/debris landfill on Tract A. The applicant is requesting a Conditional Use on the adjacent property (Tract B) so that it can serve as a buffer for the previously approved use. This request will have a minimal impact on the traffic anticipated to be generated by development of the property.

The Thoroughfare Plan identifies Route 360 as a major arterial with a recommended right of way width of 120-200 feet. The applicant has proffered to dedicate one hundred (100) feet of right of way along Route 360 in accordance with the Plan (Proffered Condition 10). The Plan also identifies an east/west major arterial (the "East/West Arterial") through the property with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate a ninety (90) foot wide right of way through the property in accordance with the Plan. (Proffered Condition 11)

Access to major arterials, such as Route 360 and the East/West Arterial, should be controlled. The applicant has proffered to limit direct access from the property to Route 360 to one (1) entrance/exit (Proffered Condition 8). The applicant does not intend to access the East/West Arterial with this development; however, future development on the site may access this arterial. The applicant has proffered to submit an access plan for the East/West Arterial to the Transportation Department for approval, with access to the property conforming to the approved access plan. (Proffered Condition 16)

The traffic impact of this development must be addressed. The applicant has proffered to construct right and left turn lanes along Route 360 at the site access. (Proffered Condition 12)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests that, as part of the Rural Conservation Area, activities on the property should be limited primarily to agricultural and forestall uses with isolated single family residences on lots larger than five (5) acres until adequate provisions are made for public facility improvements.

Area Development Trends:

Properties to the north along Hull Street Road are zoned Agricultural (A) and are developed as a farmers' market or single family residential uses on large parcels. Properties to the south, east and west are zoned Agricultural (A) and are currently vacant. It is anticipated that agricultural/forestall uses, as well as single family dwellings on larger acreage tracts, will continue to occupy area properties until provisions are made for public facility improvements as suggested by the Plan.

Zoning History:

On November 9, 1988, the Board of Supervisors, upon a favorable recommendation of the Commission, approved a Conditional Use to permit a construction/demolition/debris landfill on a portion of the subject property (Case 88S005). Conditions of approval included issuance of operational rights to the applicant only (Condition 16) and a time limitation of ten (10) years from the date of initial operation (Condition 12).

On March 22, 1989, the Board of Supervisors, upon a favorable recommendation of the Commission, approved an amendment to Conditional Use Case 88S005 to permit transfer of landfill operation rights to immediate members of the applicant's family (Case 89SN0140).

On February 23, 2005, the Board of Supervisors, upon a favorable recommendation of the Commission, approved a Conditional Use to permit material recycling operations and amendments to Conditional Use (Cases 88S005 and 89SN0140) relative to time limitations and grantee restrictions for the operation of a construction, demolition and debris landfill. (Case 04SN0312)

Uses:

Tract A

Proffered conditions limit uses in Tract A to permitted and restricted uses in an Agricultural (A) District, a construction/demolition/debris landfill, a material recycling operation which handles vegetative waste, land clearing debris, soil processing, composting and limited construction and demolition materials. In addition, uses allowed in Tract B, as noted herein, would also be permitted in this tract. Ground, mulched,

processed and/or recycled materials could be wholesaled from the site, but no retail sales would be permitted. (Proffered Conditions 2, 3 and 4)

Tract B

Proffered conditions limit uses in Tract B to permitted and restricted uses in an Agricultural (A) District. In addition, access, roads, utilities, buffers, setbacks, best management practices (BMP) facilities and other environmental features or devices would be permitted. (Proffered Condition 3)

Buffer and Operational Boundaries:

Proffered conditions require the provision of a 100 foot buffer around the perimeter of the operation to provide transition and visual separation to the adjoining properties. The area of permitted activities would be clearly defined by a permanent means so as to maintain the integrity of this buffer. (Proffered Conditions 5 and 6)

Operational boundaries would be secured by a permanent means such as fencing to prevent uncontrolled access to the site. The entrance road would be secured and designed such that views from Route 360 into the site would be minimized so as to avoid indiscriminate dumping of materials. (Proffered Conditions 7 and 8)

Dust/Debris Control:

Proffered conditions require the entrance road to be hard surfaced for a minimum distance of 250 feet from Hull Street Road to minimize the tracking of dirt and debris onto Hull Street Road. The developer will also be responsible for removing dirt and debris from Hull Street Road and for controlling dust resulting from this operation. (Proffered Condition 9)

CONCLUSIONS

Although the Southern and Western Area Plan suggests use of the property should be limited to agricultural/forestall uses, until such time as public infrastructure is available to support development, the continuance of uses requiring minimal infrastructure that would not obstruct future redevelopment may be appropriate. In addition, the proffered conditions will minimize the impact of the uses on existing and future area development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (3/20/07):

At the request of the applicant, the Commission deferred this case to April 17, 2007.

Staff (3/21/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 26, 2007, for consideration at the Commission's April 17, 2007, public hearing. Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Staff and Applicant (3/28/07):

A meeting was held to discuss the request and information submitted on March 19, 2007.

Applicant (4/16/07):

The application was amended.

Applicant (4/17/07):

The deferral fee was paid.

Planning Commission Meeting (4/17/07):

At the request of the applicant, the Commission deferred this case to June 19, 2007.

Staff (4/18/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than April 23, 2007, for consideration at the Commission's June 19, 2007, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior the Commission's public hearing.

Staff (4/29/07):

To date, no additional information has been submitted.

Applicant and Staff (6/12/07):

A meeting was held to review the amended application.

Applicant (6/19/07):

The deferral fee was paid.

Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to July 17, 2007.

Staff (6/20/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 25, 2007, for consideration at the Commission's July 17, 2007, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/2/07):

The deferral fee was paid.

Planning Commission Meeting (7/17/07):

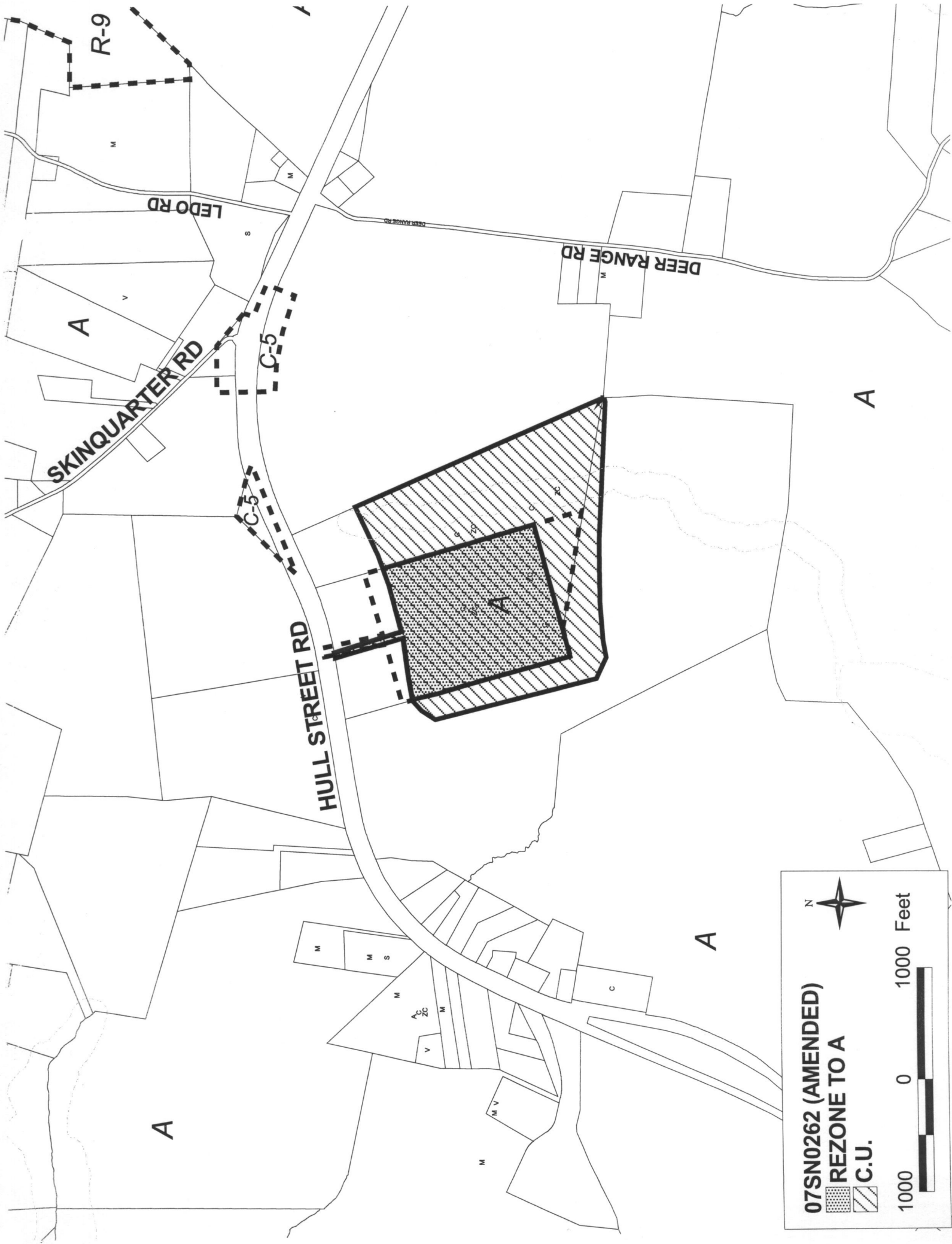
The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 5.

AYES: Messrs. Gecker, Gulley, Bass and Wilson.

ABSENT: Mr. Litton.

The Board of Supervisors, on Wednesday, August 22, 2007, beginning at 6:30 p.m., will take under consideration this request.



07SN0262 (AMENDED)

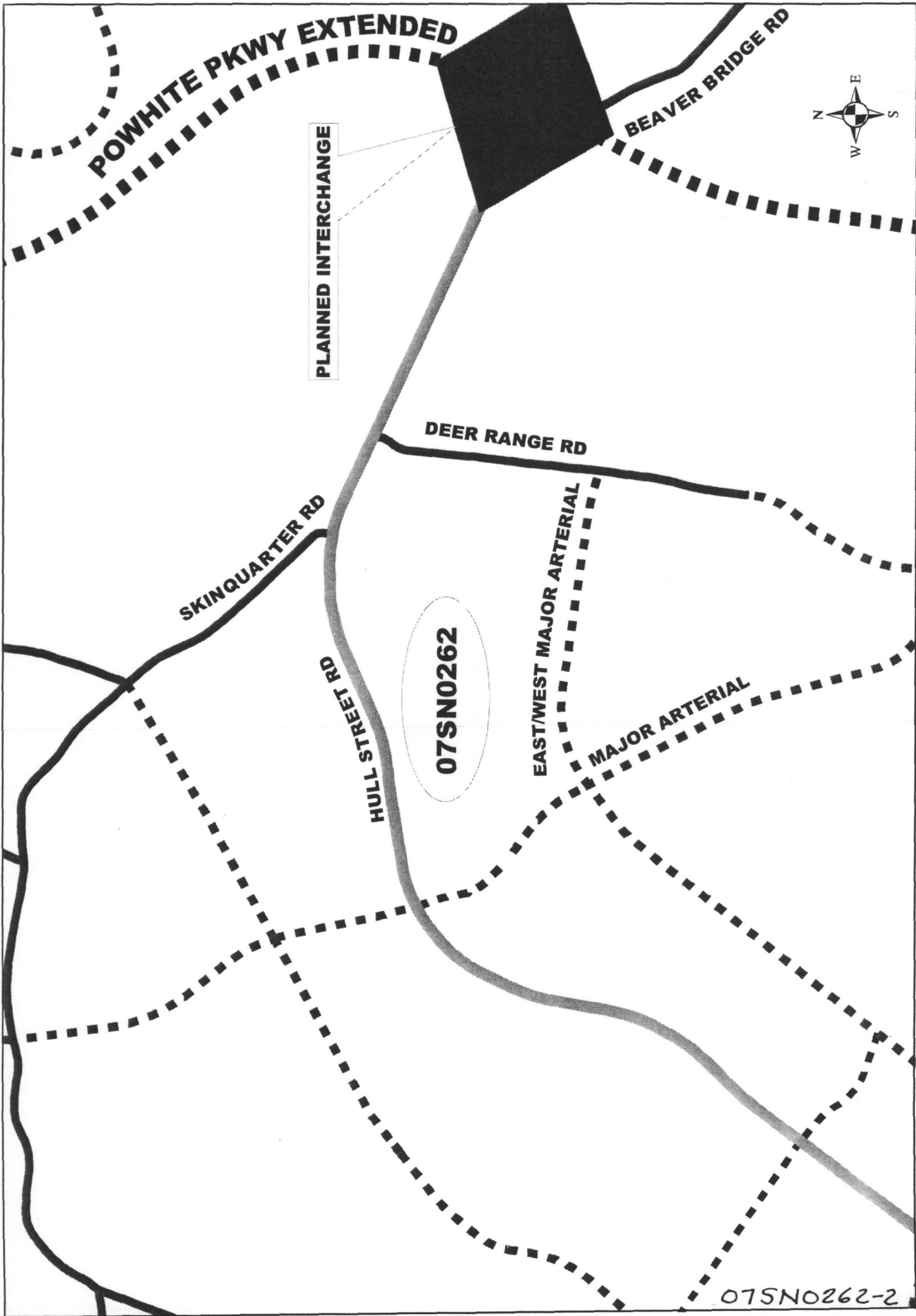
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PLANNED AREA ROAD NETWORK - 07SN0262

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